

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---------------------------------|---|-----------------------------|
| JAMES PERRY, |) | |
| |) | |
| Plaintiff, |) | Civil Action No. 15-113 |
| |) | |
| v. |) | |
| |) | |
| RICHARD MILLER; D.A. JOHN PECK; |) | Chief District Judge Conti |
| CITY OF MONESSEN; POLICE CHIEF |) | |
| OF MONESSEN; MAGISTRATE JOSEPH |) | Magistrate Judge Lenihan |
| R. DEMARCHIS; KATHLEEN KANE; |) | |
| A.G. SHEEHAN BALCHON; and JOHN |) | |
| DOE POLICE OFFICER, |) | |
| |) | ECF Nos. 22, 35, 39, 59, 62 |
| Defendants. |) | |

MEMORANDUM ORDER

Plaintiff delivered his Complaint to the clerk of courts for the United States District Court for the Western District of Pennsylvania on January 27, 2015. The Complaint was filed on February 18, 2015, and referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court.

The Magistrate Judge's Report and Recommendation (ECF No. 62) filed on February 12, 2016, recommended that the Motions to Dismiss filed by Defendants Police Chief of Monessen, and City of Monessen (ECF No. 59); Defendant Joseph R. DeMarchis (ECF No. 39); Defendants Sheehan Balchon, Kathleen Kane, and Richard Miller (ECF No. 22); and Defendant John Peck (ECF No. 35) be granted. Service was made on all counsel of record and on the pro se Plaintiff. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, the parties had fourteen (14) days from

the date of service to file objections to the Report and Recommendation. No objections were filed.

After review of the pleadings, and the documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 3rd day of March, 2016, it is hereby **ORDERED** that the Motion to Dismiss filed by Defendants Police Chief of Monessen, and City of Monessen at ECF No. 59 is **GRANTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendant Joseph R. DeMarchis at ECF No. 39 is **GRANTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendants Sheehan Balchon, Kathleen Kane, and Richard Miller at ECF No. 22 is **GRANTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendant John Peck at ECF No. 35 is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 62) of Magistrate Judge Lenihan, dated February 12, 2016, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the clerk shall mark the case **CLOSED**.

BY THE COURT

/s/ *JOY FLOWERS CONTI* _____
JOY FLOWERS CONTI
Chief United States District Judge

cc: James Perry
3495-2013
3000 S. Grande Blvd.
Greensburg, PA 15601

All Counsel of Record
Via Electronic Mail